



# BEST AVAILABLE COPY

## JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: injectable calcium salt bone filler comprising cells, the specification of which

- is attached hereto.
- was filed on March 29, 2004 as Application Serial Number 10/812,318 and was amended on \_\_\_\_\_ (if applicable).
- was filed under the Patent Cooperation Treaty (PCT) and accorded International Application No. \_\_\_\_\_, filed \_\_\_\_\_, and amended on \_\_\_\_\_ (if any).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

### Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Country | Application No. | Date of Filing<br>(day month year) | Date of Issue<br>(day month year) | Priority Claimed<br>Under 35 U.S.C. §119 |
|---------|-----------------|------------------------------------|-----------------------------------|--|
| EP      | 01203746.1      | 2/10/2001                          |                                   | YES                                      |

### Prior United States Provisional Application(s)

We hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application listed below:

| U.S. Provisional Application No. | Date of Filing<br>(day month year) | Priority Claimed<br>Under 35 U.S.C. §119(e)(1) |
|----------------------------------|------------------------------------|--|
|                                  |                                    |  |

### Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Date of Filing<br>(Day, Month, Year) | Status — Patented,<br>Pending, Abandoned |
|------------------------|--------------------------------------|--|
| PCT/NL02/00633         | 30/09/2002                           | PENDING                                  |

**BEST AVAILABLE COPY**

## **Power of Attorney**

We hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number:

All correspondence and telephone communications should be addressed to:

Customer Number: 22910  
John P. Iwanicki, Reg. No. 34,628  
BANNER & WITCOFF, LTD.  
28 State Street, 28th Floor Tel: (617) 720-9600  
Boston, MA 02109 Fax: (617) 720-9601

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature J. de Bruijn Date May 10, 2004  
Full Name of First Inventor J. de Bruijn Joost Dick  
Family Name First Given Name Second Given Name  
Residence Amersfoort, Netherlands Citizenship Dutch  
Post Office Address Pasteurstraat 16, 3817 JL Amersfoort, Netherlands

Signature  Date May 10, 2004  
Full Name of Second Inventor Fischer Elisabeth Maria  
Family Name First Given Name Second Given Name  
Residence Hilversum, Netherlands Citizenship Dutch  
Post Office Address Kruissteeg 2B, 1211 DE Hilversum, Netherlands

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Full Name of Third Inventor Layrolle Pierre Jean François  
Family Name First Given Name Second Given Name  
Residence Le Mans, France Citizenship French  
Post Office Address 9 Rue de Levant, 72000 Le Mans, France



# BEST AVAILABLE COPY

## JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: injectable calcium salt bone filler comprising cells, the specification of which

- is attached hereto.
- was filed on March 29, 2004 as Application Serial Number 10/812,318 and was amended on \_\_\_\_\_ (if applicable).
- was filed under the Patent Cooperation Treaty (PCT) and accorded International Application No. \_\_\_\_\_, filed \_\_\_\_\_, and amended on \_\_\_\_\_ (if any).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

### Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Country | Application No. | Date of Filing<br>(day month year) | Date of Issue<br>(day month year) | Priority Claimed<br>Under 35 U.S.C. §119 |
|---------|-----------------|------------------------------------|-----------------------------------|--|
| EP      | 01203746.1      | 2/10/2001                          |                                   | YES                                      |

### Prior United States Provisional Application(s)

We hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application listed below:

| U.S. Provisional Application No. | Date of Filing<br>(day month year) | Priority Claimed<br>Under 35 U.S.C. §119(e)(1) |
|----------------------------------|------------------------------------|--|
|                                  |                                    |  |

### Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Date of Filing<br>(Day, Month, Year) | Status — Patented,<br>Pending, Abandoned |
|------------------------|--------------------------------------|--|
| PCT/NL02/00633         | 30/09/2002                           | PENDING                                  |

# BEST AVAILABLE COPY

## Power of Attorney

We hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number:

All correspondence and telephone communications should be addressed to:

Customer Number: 22910  
John P. Iwanicki, Reg. No. 34,628  
BANNER & WITCOFF, LTD.  
28 State Street, 28th Floor  
Boston, MA 02109      Tel: (617) 720-9600  
                            Fax: (617) 720-9601

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|   |                   |   |
|---|-------------------|---|
| Signature _____   | de Bruijn         | Date _____                              |
| Full Name of First Inventor   | Family Name       | Joost      Dick                         |
| Residence Amersfoort, Netherlands                                     | Citizenship Dutch | First Given Name      Second Given Name |
| Post Office Address Pasteurstraat 16, 3817 JL Amersfoort, Netherlands |                   |   |

|   |                   |   |
|---|-------------------|---|
| Signature _____   | Fischer           | Date _____                              |
| Full Name of Second Inventor                                      | Family Name       | Elisabeth      Maria                    |
| Residence Hilversum, Netherlands                                  | Citizenship Dutch | First Given Name      Second Given Name |
| Post Office Address Kruissteeg 2B, 1211 DE Hilversum, Netherlands |                   |   |

|  |                    |   |
|--|--------------------|---|
| Signature _____  | Layrolle           | Date May 10 <sup>th</sup> 2004          |
| Full Name of Third Inventor                                | Family Name        | Pierre      Jean François               |
| Residence Le Mans, France                                  | Citizenship French | First Given Name      Second Given Name |
| Post Office Address 9 Rue de Levant, 72000 Le Mans, France |                    |   |